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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,799	02/21/2004	Winthrop D. Childers	100110377-5	7192

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
DOWLING, WILLIAM C	
ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,799

Applicant(s)

CHILDERS ET AL.

Examiner

William C. Dowling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 30-44, 46, 49 and 51-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 30-44, 46, 49 and 51-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6804.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The subject matter of the claims is not disclosed in the earlier filed application 09/587,446 in the manner provided by 35 USC 112, first paragraph because the claimed invention is not described in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention, either expressly, implicitly, or inherently.

The pending claims are drawn to a "projector" or a "projection system". The specification of the earlier application 09/587,446 are drawn to a display and a light source means only. No mention is made of the use of such light source system in a projector or projection system wherein an image of an image forming means is projected by projection means onto a surface. Such structure is presented in parent application 10/138,590 as depicted in Figures 1, 4, 9, none of which are included in earlier application 09/587,446. Thus applicant is entitled only to the priority date of parent application 10/138,590 May 2, 2002.

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Wichner (now Patent No. 6,688,747) has a filing date of June 8, 2001. This is the effective date and not the publication date of 12/12/2002.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 13-18, 21, 30-33, 36-44, 46, 49, 51-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Wichner et al.

Wichner et al. discloses a projection apparatus comprising a primary light source (102) formed of a high intensity discharge arc lamp and a secondary light source (140) formed from an LED. The secondary light source outputs red light to compensate for the light of the primary source having a lesser emission energy at the red end of the color spectrum than that in the blue spectrum. Such lesser energy results in lesser

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brightness and color intensity, as best as these terms have been defined. Secondary light source may be positioned outside of primary reflector and couple to the primary source by a fiber optic coupled to a light integration tunnel.

3. Claims 1, 7, 11, 15, 18-19 are rejected under 35

U.S.C. 102(e) as being anticipated by Mukawa et al.

Mukawa et al. disclose a projection arrangement comprising a primary UHP lamp (5) and a secondary light source (54) in the green wavelength region. (Column 7 Lines 27-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wichner et al. in view of Mukawa et al.

Wichner et al. disclose the use of an arc lamp as a primary source but do not specify that the lamp is of an ultra-high pressure mercury vapor lamp. As recognized by the applicant, it

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is well known to use such mercury lamps in projection devices.

Mukawa et al. shows such usage.

It would have been obvious to one skilled in the art to use such a known type of arc lamp as the arc lamp in Wichner in order to obtain the high luminous efficiency offered by such lamps.

5. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wichner et al. in view of Nishida et al.

Wichner et al. disclose the invention substantially as claimed but does not specify the location or arrangement of color filter means.

Nishida et al. teaches a known arrangement wherein a condenser lens (120) is used to focus light from a source onto a color filter and lens means (160) are provided for collimating light output from an integration rod.

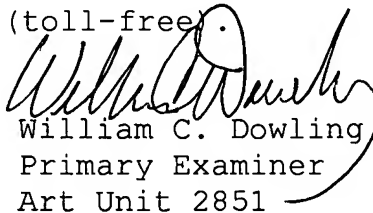
It would have been obvious to one skilled in the art at the time of the invention to modify the device of Wichner et al. by the positioning of elements as taught by Nishida in order to obtain an efficient optical train.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Dowling whose telephone number is 571-272-2116. The examiner can normally be reached on MON-TUES, THURS-FRI.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


William C. Dowling
Primary Examiner
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wcd